UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/SR.4
11 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 30 January 1991, at 3 p.m.

Chairman: Mr. VASILENKO (Ukrainian Soviet
Socialist Republics)

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GE.91-10257/2926P

The meeting was called to order at 3.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1991/6-8, 60-62 and 65; A/45/3, 13 and Add.1, 35 and Corr.1, 84, 306, 503, 576, 595, 608-614 and 726)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (E/CN.4/1991/13-14; E/CN.4/1991/NGO/2; A/45/488)

1. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing agenda item 9, which had been on the Commission's agenda since 1975, said that, at its forty-sixth session, the Commission on Human Rights had adopted seven resolutions under the item.

2. In its resolution 1990/4, the Commission reaffirmed that the question of Western Sahara was one of decolonization which remained to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence.

3. In its resolution 1990/5, the Commission reaffirmed the right of the Afghan people to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever. It also called upon all States to provide adequate financial and material resources to the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan for the purposes of the speedy repatriation and rehabilitation of the Afghan refugees in their country, as well as for its economic and social reconstruction.

4. In its resolution 1990/6, the Commission reaffirmed the inalienable right of the Palestinian people to self-determination without external interference and the establishment of their independent sovereign State on their national soil; to return to their homeland, Palestine; and to recover their rights by all means in accordance with the purposes and principles of the Charter of the United Nations and with relevant United Nations resolutions.

5. In its resolution 1990/8, the Commission reaffirmed the legitimacy of the struggle of the oppressed people of South Africa and its national liberation movements by all available means, in accordance with the Charter and relevant United Nations resolutions, for the elimination of the apartheid system and the exercise of the right of self-determination. It demanded a democratic and non-racial solution in South Africa based on the principle of universal and equal suffrage without any discrimination, in order to allow the people of South Africa freely to enjoy their right to self-determination.

6. In its resolution 1990/9, the Commission reiterated its condemnation of the persistent occurrence of gross and flagrant violations of human rights in Cambodia and its conviction that the withdrawal of all foreign forces from Cambodia, the cessation of all outside military assistance, the creation of an interim administering authority, the promotion of national reconciliation among Cambodians, the non-return to universally-condemned policies and practices, the restoration and preservation of the independence, sovereignty, territorial integrity and neutral and non-aligned status of Cambodia, the

reaffirmation of the right of the Cambodian people to determine their own destiny and the commitment by all States to non-interference and non-intervention in the internal affairs of Cambodia were the principal components of any just, lasting and comprehensive political settlement of the Cambodian problem. The Economic and Social Council referred to the situation in Cambodia in its decision 1990/256.

7. In its resolution 1990/10, the Commission reaffirmed the sovereign and inalienable right of Panama to determine freely its social, economic and political system and the need to restore conditions which would guarantee the full exercise of the human rights and fundamental freedoms of the Panamanian people and its right to decide its future in free and sovereign fashion.

8. The attention of the Commission might be drawn to resolutions 45/130 and 45/131, in which the General Assembly reaffirmed the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity which was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights.

9. In its resolution 1990/7, the Commission extended the mandate of the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination for two years and requested him to submit a report to the Commission at its forty-seventh session. Mr. Enrique Bernales Ballesteros, the Commission's Special Rapporteur on the subject, would introduce the report prepared pursuant to his mandate, which was contained in document E/CN.4/1991/14.

10. Reference should also be made to document E/CN.4/1991/13, which contained all information pertaining to the implementation of Commission resolution 1990/6, entitled "Situation in occupied Palestine".

11. Mr. BERNALES BALLESTEROS (Special Rapporteur on the Question of Mercenaries), introducing the report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1991/14), said that it focused on mercenary activities affecting various countries of Africa, the situation in South Africa, his visit to Maldives in connection with the mercenary attack there and the conflict in Central America, particularly Nicaragua. It also provided information on the current status of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and an analysis of the link between drug traffickers and mercenaries in Colombia. In compliance with resolution 1990/75, the report contained a first evaluation of the impact of the acts of violence committed by irregular armed groups and drug traffickers which adversely affected the enjoyment of human rights.

12. Although the activities of mercenaries in Africa had declined, they had not totally ceased. The information received indicated that the Comoros had been the victim of a mercenary attack in which the President of the country, Ahmed Abdallah Abderemane, had been assassinated. Thanks to the assistance of the Government of France, the mercenaries had withdrawn, peace had been restored, and new political leaders had been elected. In August 1990, however, a mercenary attack had again been launched against the Comoros, but had failed because of the stout resistance put up by the population and the support given to the Comoros Head of State.

13. The Comoros was the most recent, but, unfortunately, not the only case of an African State that had been the victim of mercenary activities and whose sovereignty and self-determination deserved the strongest support from the international community. In Angola, UNITA guerrilla forces were continuing their activities, creating a climate of collective insecurity that affected the lives and property of the Angolan population. The ongoing military conflict was due, at least in part, to the weapons that had come from abroad and the presence of mercenaries who provided direct military assistance and training to UNITA. Accordingly, there was still a need for complete and total peace in Angola, not only so that its people could enjoy its right to security, life and development, but also so that all mercenary activity would disappear.

14. Mozambique was another country of southern Africa experiencing an internal conflict that had caused thousands of deaths, destroyed a large part of its infrastructure and impeded its development. Foreign involvement in the internal affairs of Mozambique had taken the form of assistance to the Mozambican National Resistance (MNR, also known as RENAMO), military activities against the Government of Mozambique and the presence of foreign mercenaries linked to RENAMO. A cease-fire agreement had been concluded on 30 November 1990, but a definitive settlement required the cessation of the armed resistance and an end to the presence of mercenaries.

15. Numerous complaints had been received of mercenary activities in which the Government of South Africa appeared to be directly or indirectly involved. There was a cause-and-effect relationship between the policy of apartheid and the repressive mechanisms, including mercenaries, resorted to in order to impose it. The greater openness under the Government of President de Klerk had revealed the massive human rights violations committed against the black population of South Africa and the criminal activities in which mercenaries had participated.

16. It was to be hoped that the democratization process in South Africa would continue, although the President's policy was being violently challenged by extremist groups that were resisting any modification of the apartheid system. Their activities included the formation of paramilitary units that had taken part in acts of violence in various parts of South Africa. A mercenary component in those right-wing paramilitary units could not be ruled out. Another dangerous situation to which attention should be drawn were the violent urban clashes between ethnic groups within the black population.

17. In November 1988, Maldives had been the victim of an attack aimed at setting up an illegal Government headed by a Maldivian called Luthufy, who had financed and armed a guerrilla group belonging to the People's Liberation Organization of Tamil Ealam (PLOTE) in Sri Lanka. The mercenary component was obvious. Although the attack had failed, preventive measures should be adopted to provide special protection for the sovereignty and self-determination of small States which, as in the case of Maldives, were particularly vulnerable when strategically located or when close to areas of conflict.

18. A number of long-standing regional conflicts in Africa and Central America had been resolved, giving way to a relaxation of tensions, reconciliation and democratization, and efforts were being made to resolve others by peaceful means. It was in the interest of all mankind to prevent military conflicts and to work towards a just settlement of disputes. That

would help not only to preserve peace but also to put an end to mercenary activities that impeded the exercise of the right of peoples to self-determination and the enjoyment of their human rights.

19. Mr. MARKIDES (Cyprus) said that the Commission was once again taking up the question of the violation of human rights in the occupied territories, including Palestine, amidst general concern about the lack of real progress towards finding a just and peaceful solution and the continued repression and violation of the human rights and fundamental freedoms of the Palestinian people.

20. The human rights situation in the occupied Arab territories, including Palestine, had deteriorated still further. Severe repressive measures were still in place, constituting gross human rights violations and gravely jeopardizing future relations among the peoples of the region.

21. The continued colonization of the occupied territories by the establishment of settlements and the transfer of thousands of settlers to modify the demographic structure, coupled with deportations and expulsions, offered additional evidence of a policy inconsistent with international law. The Commission had already reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 (the Fourth Geneva Convention) was applicable to all Palestinian and Arab territories occupied by Israel since 1967, including Jerusalem, and that the settling of Israeli civilians in the occupied territories was illegal and in violation of the Convention's relevant provisions.

22. A more active United Nations involvement was needed to provide protection for the Palestinian people and to help reduce tensions and build confidence between Palestinians and Jews as a first step towards promoting an effective peace process. Political, security or other conditions could not be evoked as a pretext for policies or practices that resulted in violations of human rights.

23. The threat or use of force, the escalation of repressive violence, acts of terrorism and extremist attitudes could not provide a sound basis for achieving peace and mutual understanding. A lasting solution could be achieved only through peaceful means and on the basis of the Charter of the United Nations, the generally accepted principles and norms of international law and the relevant United Nations resolutions.

24. The Palestinian question would continue to be at the core of the Middle East problem as long as it remained unresolved. Israel must withdraw from all occupied territories, respect the inalienable right of the Palestinians to return to their homes and lands and fully recognize the right of the Palestinian people to self-determination, including the right to form its own State.

25. His Government reiterated its support for General Assembly resolution 44/42, which called for the convening of an international peace conference on the Middle East, under the auspices of the United Nations, with the participation on an equal footing of all the parties to the conflict and security guarantees for all States in the region, including Israel. The United Nations resolutions calling for the withdrawal of Israel from all territories acquired by force since 1967, including the Golan Heights, must also be implemented.

26. The question of the Israeli occupation of and Israeli practices in southern Lebanon should also be addressed by implementing Security Council resolutions 425 (1978), 508 (1982) and 509 (1982). The United Nations Interim Force in Lebanon must be enabled to carry out its task, thereby ensuring peace and security and assisting the Government of Lebanon to extend its authority and sovereignty throughout Lebanon's territory.

27. There was a growing realization in the international community of the imperative need to respect international law, the principles of the Charter and the relevant mandatory resolutions of the United Nations. Only then could a promising new era begin, in which the rule of law prevailed.

28. Mr. LEMINE (Mauritania) said that the Commission was once again seized of the question of the violation of human rights in the occupied Arab territories, including Palestine. Israel continued to ignore repeated United Nations resolutions on the subject, and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/45/576) gave some idea of the extent to which the Palestinian people had suffered for decades from misdeeds such as mass arrests, destruction of homes and environmental damage.

29. Details provided by other international bodies, including ILO and WHO, furnished irrefutable proof of the Special Committee's findings, thus showing the extent to which civil and political rights, including the right to life, were being violated in the occupied territories. Since the beginning of the intifada alone, a thousand Palestinians had lost their lives, and tens of thousands had been wounded. The situation, which stemmed from Israel's policy of occupation and colonization, was widely recognized as a flagrant violation of international humanitarian law, in particular of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention).

30. It was surely high time to take the necessary steps to put an end to practices which amounted to genocide, to protect the Palestinians from terrorism and repression, by implementing in full the relevant provisions of the Fourth Geneva Convention, and to restore to them the freedom to which they were as much entitled as any other people. Otherwise, events would continue to increase the tension in the Middle East.

31. Hopes that the new international climate might have led to progress on the question of Palestine had been disappointed; the assistance currently being given to the occupying Power would increase the latter's intransigence, and would, in particular, further stimulate the systematic immigration of Soviet Jews into the occupied territories.

32. A solution must be sought which conformed to international law and recognized the Palestinian people's right to create its own State, with the holy city of Jerusalem as its capital. The Commission, which had rightly been referred to as the conscience of mankind, must apply all its moral force to that end, which alone could bring about peace and security in the region and restore the rights of the Palestinian people.

33. In order to achieve a just and lasting peace, an international conference should be convened without delay, under United Nations auspices, with the participation on an equal footing of all the parties concerned, including the Palestine Liberation Organization.

34. Acts of brutality and repression were also increasing in the other occupied Arab territories, the Syrian Golan and south Lebanon, and the fate of the peoples in those territories was likewise a matter on which the world should exercise its collective responsibility.

35. Mr. PHEKO (Observer, Pan Africanist Congress of Azania) said that the people of Azania was the only one to have been colonized but never decolonized; apartheid was but a manifestation of that continuing colonial situation. The combination of four British colonies in 1909 as a single Union of South Africa had been based on a racist concept reflected in the qualification that members of the House of Assembly and the Senate had to be British subjects of European descent; Africans whose ancestors had lived in southern Africa for centuries were disqualified except for a tiny minority, in the Cape, which had a very restricted right to vote.

36. The right of all peoples to self-determination was, however, firmly established by the Charter, the Universal Declaration of Human Rights and article 1 common to the two International Covenants on Human Rights; moreover, the International Court of Justice, in its advisory opinion relating to Western Sahara, had affirmed the right of self-determination for all peoples whose countries had never been decolonized.

37. The right to self-determination urgently needed to be realized for the peoples of Azania and Palestine, whose national tragedies stemmed from deeds connived at by the same colonial Power that spoke so much about sovereignty for itself and for those areas of the world where it had vested interests. The violation of jus cogens must be ended; international laws which adopted double standards could not but lead to catastrophe. Self-determination was the right of all peoples without exception; if warfare and sanctions were justifiable in upholding the sovereignty of some, they were legitimate for all, especially peoples whose sovereignty had been usurped.

38. Since the International Convention on the Suppression and Punishment of the Crime of Apartheid declared apartheid to be a crime against humanity, the perpetrators of apartheid could be brought before tribunals; but the people of Azania, once they had attained their self-determination and apartheid had been dismantled - not reformed or amended - were prepared to forgive the crime. Sadly, the international community had failed to react to the South African racist régime's continued violation with impunity of the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in its resolution S-16/1.

39. To make matters worse, the Pretoria régime claimed to grant "indemnity" for anti-apartheid and anti-colonial activities; it conferred or withdrew that so-called indemnity according to its whim. But indemnity could be granted only to criminals, and the people of Azania had committed no crime in fighting apartheid and colonialism; indeed, it was to the perpetrators of apartheid that any question of indemnity should apply. He appealed to the Commission to stand firm with the people of Azania until their objectives of national liberation and self-determination had been realized.

40. The Pan Africanist Congress of Azania was not involved in the so-called "black-on-black violence". Realizing that the promotion of senseless violence among the oppressed indigenous African majority helped the racist régime's designs, the PAC leadership had written to Mr. Nelson Mandela and Chief Buthelezi, offering to mediate in order to restore peace among Africans, without which there could be no genuine negotiations. Unfortunately, the situation had been exacerbated by unscrupulous international journalism, as well as by the sectarianism and self-interest of some supposedly anti-apartheid groupings, to the point where the media were informing the world that there was only one organization, and indeed only one leader, in South Africa - a myth which could only lead to instability, needless civil commotion and bloodshed.

41. The people of Azania had a fundamental right to choose their own leaders and political organizations; a political party which killed and maimed its own people because they rejected its ideas, policies and leaders should be banished, not supported and financed.

42. Mr. DIWAN (International Federation of Human Rights) said that, at a time when 28 States were waging a war on behalf of international law and, in particular, the right of peoples to self-determination, he wished to draw attention to the situation of one of the Middle East's most ancient and numerous peoples, the Kurds. Since the 1922 Treaty of Lausanne, the hitherto largely independent Kurds had been unjustly divided among four States of the region, although the 1920 Treaty of Sèvres between the Ottoman Empire and the allied Powers had explicitly envisaged the creation of an independent Kurdish State.

43. The United Nations should therefore recognize the Kurdish people's right to self-determination, particularly the five million Kurds in Iraq, who had been annexed to that State by a decision of the League of Nations - influenced by the United Kingdom, the mandatary Power in Iraq, because of the Kurdish territory's oil wealth - despite the fact that the local population had been overwhelmingly in favour of an independent Kurdish State.

44. The Kurds in Iraq had suffered constant violations of all their cultural rights. Kurdistan, once the granary of Iraq, no longer had crops or livestock; villages had been razed, herds wiped out and vegetation destroyed by defoliants. Over 500,000 Kurds were refugees in Iran or Turkey; in Iraq itself, some 2 million were interned. Over 200,000 had perished in massacres carried out by the Saddam Hussein régime since 1974, using napalm, phosphorus and, more recently, chemical weapons. Over 70,000 persons were reported missing and thousands more had suffered torture or summary execution.

45. The world community bore a heavy responsibility for the Kurds' plight, which was an affront to mankind and to international morality. His organization thus called on the Commission to rectify that injustice by adopting a resolution recognizing the Kurdish people's legitimate right to self-determination and recommending the holding of a referendum, under United Nations auspices, in the Kurdish territories currently administered by Iraq, as soon as the Gulf war had ended.

46. He also wished to draw the Commission's attention to the situation in the autonomous region of Nagorno-Karabakh, which had been annexed to Azerbaijan, shortly after the formation of the Soviet Union, despite the region's large Armenian majority, which had constantly asked for its restoration to Armenia. His organization had reported on the situation there the previous year but since the 1990 anti-Armenian pogrom at Baku, things had hardly improved. During 1990, tens of thousands of Armenians had been forcibly removed to other parts of the Soviet Union. The region had for many months been under blockade, suffering a steady deterioration in its living conditions. Although the imposed state of emergency violated international law, because of the large-scale population transfers, it had not prevented continued violence against Armenians.

47. The International Federation of Human Rights appealed to the Commission to call for an end to the state of emergency in the autonomous region of Nagorno-Karabakh and the restoration of power on the basis of elections. The people of Nagorno-Karabakh should be enabled to exercise the right to self-determination, by means of a referendum in accordance with the Constitution of the Soviet Union and the International Covenant on Civil and Political Rights.

48. Mr. van WALT (Pax Christi International) said that, although the tragic events in the Gulf region deserved the world community's continued attention, they should not prevent discussion and action on grave situations elsewhere, particularly where countries and peoples were being denied the right to self-determination. The violation of that right in Tibet, East Timor, Kurdistan, the Baltic States, Cyprus and Palestine were but some of the cases which called for action by the international community and the United Nations in particular.

49. The continued denial of that right by some Governments should be condemned as a violation of international law; it had repeatedly led to tension and conflict. Peace and stability could be based only on recognition and implementation of the right of peoples freely to determine their political status and pursue their economic, social and cultural development; such aspirations could not be extinguished by propaganda, intimidation or force. It was imperative, therefore, that the United Nations, and the Commission in particular, should take firm action on the plight of the peoples of the countries he had mentioned.

50. Although the General Assembly had recognized, in its resolution 1723 (XVI), the Tibetans' right to self-determination, it had done little in recent years to implement that and other resolutions calling on the People's Republic of China to respect human rights in Tibet. Meanwhile, the Chinese authorities continued to violate the Tibetan people's fundamental human rights, encouraging large-scale Chinese settlement aimed at reducing Tibetans to a minority in their own country. Having invaded Tibet 40 years previously, it had been permitted to benefit from its aggression. Tibetans were not asking foreign armies to fight on their behalf; they simply asked the free world to persuade China's leaders to restore to them what was rightfully theirs.

51. Pax Christi International respectfully requested the Commission to address those issues at its current and future sessions. It further proposed the formation of a working group or other forum to discuss the question of self-determination and its implementation, with the active participation of the peoples whose right to self-determination was being questioned or denied and who were often entirely unrepresented at the United Nations. To ignore those issues would lead to further deterioration, but a dialogue involving all those concerned, particularly within the framework of the United Nations, could contribute to the development of peaceful solutions.

52. Mr. LITTMAN (World Union for Progressive Judaism) said that, when the Commission had adopted its resolution 1990/1, the preamble of which expressed serious concern "at the recent suggestions that immigrants to Israel may be settled in the occupied territories", it had already been an incontrovertible fact that 99.5 per cent of all Soviet Jewish immigrants arriving in Israel had chosen to settle within Israel's frontiers and not in the region referred to as "the occupied territories". Of the more than 200,000 Jews who had arrived in Israel in 1990, 185,000 of them from the Soviet Union, scarcely 500 had chosen to live in "the territories", most of whom had done so for purely political reasons.

53. The real motive of a blitz propaganda campaign, including the various specious appeals made by the PLO and the Governments of certain States to several United Nations bodies, was total opposition to any Jewish immigration whatever into the State of Israel. Attempts to restrict Jews returning to their ancestral homeland was not a new phenomenon and had been going on for many centuries under various occupying Powers. He recalled in that connection that the prime purpose of creating the 1922 Mandate for Palestine had been to provide a Jewish National Home there, a goal finally achieved a quarter of a century later through General Assembly resolution 181 (II).

54. There was no reason why a few hundred - or even a few thousand Jews - should not live in a geographic area of their ancient homeland which might eventually, in an overall peace settlement, form part of a neighbouring, friendly State. There was nothing unthinkable about Jews living in what might thus become part of an Arab State and a full member of the Arab League.

55. Currently, in Israel, apart from Jerusalem, there were 700,000 Muslim, Christian and Druze Palestinian Arabs who were Israeli citizens. On the other hand, barely 10 per cent of that number of Jews lived in "the territories", where they formed less than 5 per cent of the areas' population.

56. Since 1948, most Arab countries had been virtually without Jews, their number having been diminished - mainly by forced exile - from almost 1 million in 1948 to a current figure of well under 20,000. About 70 per cent of them had found refuge in Israel.

57. Referring to the statement in paragraph 4 of Commission resolution 1990/6 that "the intifada of the Palestinian people ... is a form of legitimate resistance", he said that everyone was aware of the fact that children of all ages were being deliberately incited to violence by the leaders of the intifada, in contravention of fundamental humanitarian principles embodied in a resolution of the 1986 International Conference of the Red Cross, which condemned the utilization of children in armed conflicts. Yet the PLO had announced that it had acceded to the Geneva Convention of 1949 and that it

respected international covenants although, under the Convention on the Rights of the Child, States parties were obliged to ensure that persons who had not attained the age of 15 years did not take part in hostilities. That had certainly not been done in the case of the intifada.

58. The tragic plight of the Palestinian people was, in the main, to be laid at their own doorstep, for they must bear collectively the burden of their acceptance of their leadership. The Palestinians would suffer both collectively and as individuals because of their inept leaders, and if the intifada were not halted soon, Palestinian town and village society would begin the irreversible process of disintegration from within.

59. The previous year, he had suggested that the peace framework proposed by Winston Churchill for a United States of Europe might serve not only as an inspiration but also as a model for those who had no alternative but to find a peaceful solution together. He had given it the name of "the United States of Abraham or Ibrahim". It was his belief that, in the aftermath of Saddam Hussein, the time would be ripe for a project of global peace and general reconciliation throughout the Middle East, so long as the opportunity was firmly grasped and the various aspects addressed by all the parties concerned.

60. Obviously, that apparent Utopia could be achieved only by stages, through democratic principles and reciprocal goodwill. A start would be to declare a truce and an end to the intifada. Then, perhaps, there would be a general acceptance by the Palestinians of an improved "Shamir Plan" for free democratic elections in the territories.

61. Other "ideas" might well follow, such as the "Toledano peace plan" launched with a view to developing mutual coexistence between Israelis and Palestinians over a period of 5 to 15 years. It had been signed by hundreds of Israeli personalities and even published in full by the PLO's official organ in January 1990, being described in an accompanying editorial as an interesting plan of significant importance.

62. In conclusion, he said that if the "United States of Abraham or Ibrahim" concept were to be grasped by Palestinians and Jordanians and other Arab Governments and there was a simple positive reaction to it from representatives of Member or observer States, that might be all that was needed to start the long process towards mutual reconciliation, so essential for the peoples of the Middle East and for all mankind.

63. Mr. EITELBAUM (American Association of Jurists) said that, on 20 December 1989, United States troops had invaded the Republic of Panama with the support of intensive bombing by the United States air force. The attack had resulted in the death of some 600 to 2,000 civilians and had rendered 18,000 persons homeless. It had not been possible to determine the exact number of civilians killed because the invading forces had not complied with the relevant provisions of the First Geneva Convention and many bodies had been burnt and buried in common graves.

64. According to the Government of the United States, that had been a mere police action which was intended to last only one day and the purpose of which was to arrest General Noriega, accused of drug trafficking. In a report published in 1990 following a mission to Panama in January of that year, Americas Watch had reached the conclusion that both the United States armed forces and the Panamanian defence forces had violated the Geneva Conventions.

65. Given the refusal of the United States Government to compensate the victims of the invasion, 70 Panamanian civilians whose relatives had died or who had been wounded or had lost their homes, had instituted an action in May 1990 against the United States in the Inter-American Commission on Human Rights. In their action they requested, in their own name and in that of all the Panamanians concerned, that the Commission should declare that the United States invasion of Panama was a violation of international law and their human rights; that the United States was responsible for the loss of human lives, the psychological and physical harm done to Panamanian civilians, and the destruction of their homes; and that the United States should compensate the victims of the invasion for the damage suffered by them. It was to be noted, in that connection, that the United States troops were still occupying the Republic of Panama and actively intervening in all aspects of life in the country.

66. Thus, on 13 December 1990, the Council of the Law and Political Sciences Faculty of the University of Panama had adopted a resolution in which it denounced the unconstitutional nature of the request made by the current Panamanian leaders for the United States to intervene militarily in the internal affairs of Panama, condemned the crimes committed by the United States army in the country, rejected the decision by the President of the United States to continue the military occupation of Panama and called for the immediate withdrawal of those troops, which were still occupying the national territory in violation of both national and international law.

67. On 5 December 1990, there had been a march of trade unionists (to be followed by a strike the next day) to press certain labour claims. On the same day, the former Colonel Herrera Hassan had escaped from prison by helicopter and stirred up a revolt by 100 police officers. That revolt had served as a pretext for President Endara to assert that trade-union leaders and Colonel Herrera had been plotting to overthrow the Government, and he had requested and obtained the intervention by United States troops to put down the uprising.

68. As a result of that decision, a Panamanian lawyer had appealed to the Legislative Assembly to condemn President Endara for committing an offence against the internal personality of the State (as defined in the Penal Code and Constitution). On 14 December 1990, the Government of Panama had had an Act passed which called for measures to protect democracy and the constitutional legal order in governmental bodies. Applied retroactively, that Act had resulted in the dismissal of more than 400 workers and leaders belonging to civil-service trade unions. An appeal of unconstitutionality had been made to the Supreme Court of Justice, on the grounds that the Act violated the Constitution of Panama, ILO Conventions Nos. 87 and 98, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights, and article 15 of the International Covenant on Civil and Political Rights.

69. That was the situation regarding the right to self-determination of the Panamanian people and its human, trade-union, civil and political rights under the guardianship of the Government of the United States. He thus asked the Commission to reaffirm its resolution 1990/10, to call on the Government of the United States to assume its responsibility for the damage and victims caused as a result of its invasion, and to call on the Government of Panama to respect the international standards in the area of trade-union, civil, political, economic and social rights.

The meeting rose at 5.10 p.m.